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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

EXAMINER	
VU, KIEU D	

ART UNIT	PAPER NUMBER
2173	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/763,602	BARRUS ET AL.	
	Examiner	Art Unit	
	Kieu D. Vu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *6-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 10/25/07.

2. Claims 6-36 are pending.

3. The Terminal Disclaimer filed on 10/31/07 has been considered and approved.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 13 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear whether "a message" recited on lines 1-2 of claim 13 is different from "a message" recited on line 14 of claim 6. This renders claim 13 vague and indefinite.

It is not clear whether "a message" recited on lines 1-2 of claim 31 is different from "a message" recited on line 20 of claim 25. This renders claim 31 vague and indefinite.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 6-7, 17-18, 25-26, and 35-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Hui et al (hereinafter "Hui", US 6,237,010).

Regarding claims 6 and 25, Hui teaches a method and an apparatus for creating a representation, comprising capturing an image of a first object the first object associated with a first software application (capturing objects to create images and thumbnail versions by using the first software application) (col. 6, lines 46-53); determining a reference to the first object (each thumbnail/image has a filename, col. 7, lines 12-18, Fig. 6-8); creating a second object associated with a second software application (using a second software application to create audio files), the second software application being distinct from the first software application (col. 15, lines 32-67); creating a reference marker, the reference marker connecting the second object with the first object (reference marker connects the image/thumbnail to its associated audio file) (col. 16, lines 1-6); creating the representation, the representation comprising the captured image, the determined reference, the second object, and the reference marker; and adding the representation to a message (representation comprising the image/thumbnail, its associated filename, and its associated audio file) (the representation is added to a webpage having its associated URL) (line 65 of col. 17 to line 32 of col. 18) (Fig. 21, 24-25).

Regarding claims 7 and 26, Hui teaches claims 6 and 25, wherein the first object is displayed in the first software application and wherein capturing the image of the first

object comprises capturing the image of the first object as displayed in the first software application (col. 6, lines 46-53).

Regarding claims 17 and 35, Hui teaches claims 6 and 25, further comprising storing the first object in a memory and wherein determining the reference to the first object comprises producing a pointer to the first object in the memory (col. 7, lines 12-18, Fig. 6-8)

Regarding claims 18 and 36, Hui teaches claims 6 and 25, further comprising prior to capturing the image of the first object, receiving an input from a user, the input selecting the first object (col. 6, lines 46-53) (col. 7, lines 12-18, Fig. 6-8).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 8, 10, 12, 14-16, 27, 29, 30, and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hui and Chailleux (US 6,404,441).

Regarding claims 8 and 27, Hui teaches claims 7 and 26 but does not teach wherein capturing the image of the first object as displayed in the first software application comprises capturing a screen shot of the first object as displayed in the first software application. Chailleux teaches capturing screen shot of displayed screens and displayed captured screen shots as reduced images (col. 9, lines 9-24, Fig. 6). It would have been obvious to one of ordinary skill in the art, having the teaching of Hui and

Chailleux before him at the time the invention was made, to modify the capturing system taught by Hui to include capturing screen shot taught by Chailleux with the motivation being to enable Hui's system to embed different types of images in a web page.

Regarding claims 10 and 29, Hui teaches claims 6 and 25 but does not teach wherein the first object represents a plurality of images and wherein capturing the image of the first object comprises capturing one of the plurality of images represented by the first object. Chailleux teaches capturing the image of the first object comprises capturing one of the plurality of images represented by the first object (capturing screen shot of displayed screens and displayed captured screen shots as reduced images, col. 9, lines 9-24, Fig. 6). It would have been obvious to one of ordinary skill in the art, having the teaching of Hui and Chailleux before him at the time the invention was made, to modify the capturing system taught by Hui to include capturing screen shot taught by Chailleux with the motivation being to enable Hui's system to embed different types of images in a web page.

Regarding claims 12 and 30, Hui teaches claims 6 and 25 but does not teach wherein the first object represents a web page and wherein determining the reference to the first object comprises determining a Uniform Resource Locator (URL) of the web page. Chailleux teaches capturing a web page (col. 12, lines 30-47). It would have been obvious to one of ordinary skill in the art, having the teaching of Hui and Chailleux before him at the time the invention was made, to modify the capturing system taught by Hui to include capturing web page taught by Chailleux with the motivation being to enable Hui's system to embed different types of images in a web page.

Regarding claims 14, 16, 32, and 34, Hui teaches claims 6 and 25, but does not teach wherein the first object comprises a hypertext link and wherein capturing an image of the first object comprises capturing an image of a web page corresponding to the hypertext link. Chailleux teaches capturing a web page displayed in a web browser (col. 12, lines 30-47). It would have been obvious to one of ordinary skill in the art, having the teaching of Hui and Chailleux before him at the time the invention was made, to modify the capturing system taught by Hui to include capturing web page taught by Chailleux with the motivation being to enable Hui's system to embed different types of images in a web page.

Regarding claims 15 and 33, Hui, as modified by Chailleux teaches storing the web page in a memory (Chailleux, col. 9, lines 8-17).

10. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hui and Anguilo et al (hereinafter "Anguilo", US 6275839)

Regarding claim 19, Hui teaches associating the first object and the second object (col. 16, lines 1-16) but fails to teach displaying the first object in response to user selecting the second object. Anguilo teaches the method of claim 6, further comprising: receiving an input from a user, the input selecting the second object; and responsive to having received the input, displaying the first object (col. 12, lines 19-38). It would have been obvious to one of ordinary skill in the art, having the teaching of Hui and Anguilo before him at the time the invention was made, to modify the capturing system taught by Hui to include Anguilo teaching with the motivation being to conveniently and quickly access associated objects.

Regarding claim 20, Hui teaches the method of claim 18, but fails to teach that the first object comprises a hypertext link. Anguilo teaches the first object comprises a hypertext link and wherein displaying the first object comprises: determining whether a web page corresponding to the hypertext link is accessible; responsive to having determined that the web page is accessible, presenting the web page; and responsive to having determined that the web page is not accessible, presenting a web page that corresponds to the hypertext link and is stored in memory (line 61 of col. 5 to line 9 of col. 6). It would have been obvious to one of ordinary skill in the art, having the teaching of Hui and Anguilo before him at the time the invention was made, to include Anguilo's teaching in the capturing system taught by Hui with the motivation being to enable Hui's system to embed different types of images in a web page.

11. Claims 9 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hui and Jungleib (US 5,886,274)

Regarding claims 9 and 28, Hui teaches claims 6 and 25 but does not teach wherein the first object represents a sound and wherein capturing the image of the first object comprises generating a waveform for the sound represented by the first object. Jungleib teaches a sound editor for generating a waveform for the sound represented by the first object (col. 5, lines 38-41, Fig. 4b). It would have been obvious to one of ordinary skill in the art, having the teaching of Hui and Jungleib before him at the time the invention was made, to modify the capturing system taught by Hui to include generating a waveform of a sound taught by Jungleib with the motivation being to enable Hui's system to embed different types of objects in a web page.

12. Claims 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hui, Chailleux, and Jungleib.

Regarding claim 11, Hui and Chailleux teach the method of claim 10 but do not teach wherein the first object represents a sound. Jungleib teaches a sound editor for generating a waveform for the sound represented by the first object (col. 5, lines 38-41, Fig. 4b). It would have been obvious to one of ordinary skill in the art, having the teaching of Hui, Chailleux, and Jungleib before him at the time the invention was made, to modify the capturing system taught by Hui to include generating a waveform of a sound taught by Jungleib with the motivation being to enable Hui's system to embed different types of objects in a web page.

13. Claims 13, 21-24, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hui and Treibitz (US 6,091,408).

Regarding claims 13 and 31, Hui teaches claims 6 and 35, but does not teach wherein the first object represents a message and wherein determining the reference to the first object comprises determining a pointer to the message in a messaging system. Treibitz teaches wherein the first object represents a message and wherein determining the reference to the first object comprises determining a pointer to the message in a messaging system (col. 5 lines 33-47). It would have been obvious to one of ordinary skill in the art, having the teaching of Hui and Treibitz before him at the time the invention was made, to modify the capturing system taught by Hui to include capturing message taught by Treibitz with the motivation being to enable Hui's system to embed different types of objects in a web page.

Regarding claim 21, Hui does not teach updating the second object. Treibitz teaches updating the second object (window in the second display, col. 2, line 67 to col. 3, lines 14). It would have been obvious to one of ordinary skill in the art, having the teaching of Hui and Treibitz before him at the time the invention was made, to modify the capturing system taught by Hui to include updating the second object taught by Treibitz with the motivation being to provide Hui's system with the ability to modify the second object.

Regarding claim 22, Hui, as modified by Treibitz, teaches the method of claim 21, wherein updating the second object comprises: capturing a new image of the first object; and replacing, within the second object, the image with the new image (Treibitz, col. 3, lines 4-15).

Regarding claim 23, Hui, as modified by Treibitz, teaches the method of claim 21, wherein updating the second object comprises: determining a new reference to the first object; and replacing, within the second object, the reference with the new reference (Treibitz, col. 3, lines 4-15).

Regarding claim 24, Hui, as modified by Treibitz, teaches the method of claim 21, wherein updating the second object comprises: determining whether the first object has changed; and responsive to having determined that the first object has changed, updating the second object (Treibitz, col. 3, lines 4-15).

14. Applicant's arguments filed on 10/25/07 have been considered but are moot in view of the new ground(s) of rejection.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kieu D. Vu

Primary Examiner